

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Upon entry of this Amendment, claims 1-20 will be pending in the present application. Claims 21 and 22 have been cancelled.

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that the above amendment to the claims correct the specific deficiencies cited by the Examiner. More specifically, the phrase "fluid transferring means" has been replaced with "flow generating means", which has antecedent basis in claim 1. Accordingly, applicant respectfully requests that the above rejection of claims 1-10 be withdrawn.

Claims 1-3, 5-14, and 16-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,958,075 to Mace et al. ("the '075 patent") in view of U.S. Patent No. 6,813,929 to Jochum ("the '929 patent"). In addition, claims 4 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over the '075 patent in view of the '929 patent in further view of U.S. Patent No. 6,305,212 to Drzewiecki ("the '212 patent"). Applicant respectfully traverses this rejection for the reasons presented below.

Independent claim 1 has been amended to clarify the features of the present invention. As amended, claim 1 recites a sidestream gas sampling system that includes a conduit that carries a flow of gas to a gas measurement site, a gas measurement assembly that measures a constituent of the flow of gas at the gas measurement site, and a pressure transducer adapted to measure a pressure of the flow of gas at a first location proximate to the gas measurement site. See pressure transducer 80 in FIGS. 1, 2, and 6. A capillary tube is disposed downstream of the first location and carries the flow of gas from the gas measurement site. Locating the pressure transducer proximate to the gas measurement site is done, for example, to maximize the fidelity and accuracy of the measurement taken by the first pressure transducer.

Claim 1 further recites a differential pressure transducer in fluid communication with a first portion and a second portion of the capillary tube, which are spaced sufficiently far apart such that a pressure differential exists therebetween. In addition, a flow generating means is disposed downstream of the capillary tube for generating the flow of gas, and a controller is operatively coupled to the first pressure transducer, the differential pressure transducer, and the flow generating means. The controller measures the flow of gas based on the output of the differential pressure transducer and controls the flow of gas via the flow generating means based on the measured flow during operation of the flow generating means. Applicant submits that the cited references, taken alone or in combination, do not teach or suggest a sidestream gas sampling system having these features.

The '075 patent, for example, does not teach or suggest providing both a pressure transducer and a differential pressure transducer. The '929 patent teaches a differential pressure transducer but it does not teach or suggest the relative locations for the first pressure transducer, the capillary tube, and the flow generating means now recited in claim 1. Thus, even if the teaching of the '929 patent are combined with that of the '075 patent, which applicant does not admit is proper, the resulting combination would not yield the configuration of components recited in amended independent claim 1.

The secondary reference, i.e., the '212 patent, is cited for the purpose of establishing features recited in later dependent claims. These references, however, do not teach or suggest the features of amended independent claim 1 missing from the other references as noted above.

Independent claim 11 has been amended along the same lines as independent claim 1. Accordingly, the distinctions noted above with respect to claim 1 are equally applicable to claim 11.

For the reasons presented above, applicant respectfully submits that independent claims 1 and 11 are not rendered obvious by the cited references. In addition, claims 2-10, and 12-22 are also not rendered obvious due to their dependency from independent claims 1 and 11.

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Claims 21 and 22 have been cancelled rendering their rejection moot. Accordingly, applicant respectfully requests that the above rejection of claims 1-22 be withdrawn.

It should be noted that the applicant has not addressed each rejection of the dependent claims. Any rejection of a dependent claim not specifically addressed is not to be construed as an admission by the application of the correctness of that rejection. Rather, the applicant believes that the independent claims are patentably distinguishable over the cited references for the reasons noted above, so that the rejection of the dependent claims need not be addressed at this time. Applicant reserves the right to address the rejection of any dependent claim at a later time should that become warranted.

As noted above, claims 21 and 22 have been cancelled. It is to be understood that these claims are being cancelled to facilitate the allowance of the remaining claims. The cancellation of these claims is not to be construed as an admission as to the correctness of the rejections of these claims. On the contrary, the application reserves the right to prosecute claims 21 and 22, or claims of similar scope, in a further continuing application.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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